

David L. Mazaroli (DM-3929)
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ROYAL & SUN ALLIANCE INSURANCE
PLC

Plaintiff,

- against -

OCEAN WORLD LINES, INC.

Defendants.

ECF CASE

07-CV-2889 (AKH)

**AFFIDAVIT OF DAVID L.
MAZAROLI IN OPPOSITION TO
THE MOTIONS OF DEFENDANT
OCEAN WORLD LINES, INC.
AND THIRD-PARTY
DEFENDANTS YANG MING AND
DJURIC TRUCKING**

OCEAN WORLD LINES, INC.

Third-Party Plaintiff,

(Submitted by Plaintiff)

-against-

YANG MING MARINE TRANSPORT CORP.
And DURIC TRUCKING, INC.

Third-Party Defendants.

[illegible]

David L. Mazaroli, being duly sworn, deposes and says:

1. I am an attorney admitted to practice before this Honorable Court and the attorney of record for plaintiff Royal & Sun Alliance Insurance PLC. As such I am familiar with the facts, pleadings and procedural history of this litigation.

2. This affidavit is respectfully submitted in opposition to the motion of defendant Ocean World Lines, Inc. (“OWL”) for partial summary judgment seeking to limit defendant’s liability.

3. This affidavit is also submitted in opposition to the motions of third-party defendants Yang Ming Marine Transport Corp. (“Yang Ming”) and Djuric Trucking, Inc. (“Djuric”) which seek, as to Yang Ming and Djuric, to enforce a London jurisdiction clause and limit liability, and, as to Djuric Trucking, to enforce a purported covenant not to sue.

4. Plaintiff has also submitted a memorandum of law in opposition to the motions of OWL, Yang Ming and Djuric.

5. Plaintiff has also submitted a response to OWL’s Local Rule 56.1 Statement.

6. According to the docket sheet, Yang Ming and Djuric did not file Rule 56.1 Statements with respect to their motions.

7. Annexed hereto as **Exhibit 1** is a copy of the document entitled Ocean World Lines, Inc. Delivery Order NYM01871 which was produced as a disclosure document by Yang Ming and Djuric and which is referred to in plaintiff’s memorandum of law.

8. Annexed hereto as **Exhibit 2** is a copy of the document entitled Work Order which was produced as a disclosure document by Yang Ming and Djuric and which is referred to in plaintiffs’ memorandum of law.

9. Annexed hereto as **Exhibit 3** is a copy of the e-mail dated August 7, 2006 from Steve Greathouse of Djuric Trucking which was produced as a disclosure

document by Yang Ming and Djuric Trucking and is referred to in plaintiff's memorandum of law.

10. Annexed hereto as **Exhibit 4** are excerpts from the Djuric Trucking internet website which I downloaded and which are referred to in plaintiff's memorandum of law.

11. Annexed hereto as **Exhibit 5** is an excerpt from the company "snapshot" of Djuric Trucking which I downloaded from the Federal Motor Carrier Safety Administration internet website.

12. Annexed hereto as **Exhibit 6** are copies of excerpts from the internet websites of OWL which I downloaded on the dates indicated and which are referred to in plaintiff's memorandum of law.

13. Annexed hereto as **Exhibit 7** is a document identified as a Yang Ming Shipping Europe GmbH Booking Confirmation which was produced by OWL in this action.

14. Annexed hereto as **Exhibit 8** is an OWL booking confirmation addressed to Transatlantic Spedition GmbH produced by OWL in this action.

15. Annexed hereto as **Exhibit 9** is an OWL booking confirmation addressed to Yang Ming Depart. Of German Agency produced by OWL in this action.

16. On or about August 3, 2007 a Request for Production of Documents Addressed to Defendant and Third-Party Defendant, copy annexed hereto as **Exhibit 10**, was served on behalf of plaintiff. It included a request for "[A]ll tariffs pertaining to this shipment, including the tariff referred to in the bill of lading."

17. The documents produced to date by OWL, Yang Ming and Djuric do not include a copy of a tariff for Djuric. The request for production of the tariff was renewed on January 17, 2008 as reflected in the e-mail exchange of the same date with counsel for Yang Ming and Djuric, copy annexed hereto as **Exhibit 11**.



David L. Mozaroli

Sworn to before me this
18th day of January 2008



Notary Public

CHRISTINA G. DEMOS
Notary Public, State of New York
No. 01DE5067800
Qualified in Westchester County
Commission Expires 10-28-2010